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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,829	07/10/2003	Howard Fein	PRP111US	2693
23623	7590	10/17/2006	EXAMINER	
AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			MARIAM, DANIEL G	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,829	Applicant(s) FEIN ET AL.	
	Examiner DANIEL G. MARIAM	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date, ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/10/03 & 11/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 4 recite the limitation “ . . a component . . ” It is unclear what the component is comprised of within the context of the claimed inventions. Please clarify.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-7, 10 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenfeld, et al (6,784,982).

With regard to claim1, Blumenfeld, et al discloses an imaging system (See for example, Fig. 1), comprising: a sensor, i.e., CMOS detector, having one or more receptors, i.e., detector pixels, to generate digital output for an image (col. 5, lines 56-65), the one or more receptors associated with a pitch parameter (col. 6, lines 40-51; and col. 2, lines 38-45); an image transfer

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medium, i.e., lens, having a diffraction-limited parameter adapted to (intended use language) the pitch parameter (See for example, col. 5, lines 59-61; and col. 6, lines 22-36); and an application program that employs the digital output to at least one of process the image, analyze the image, store the image, transmit the image, and display the image (See for example, col. 5, line 66 – col. 6, line 3).

With regard to claim 2, the system of claim 1, further comprising an excitation source including at least one of a light source, an ultraviolet source, an infrared source, a multi-photon source, a pulsed source, and an x-ray source (See col. 6, lines 4-7).

With regard to claim 5, the system of claim 1, the application program is associated with an industrial control system (See Figs. 1 & 2).

With regard to claim 6, the system of claim 1, the application program is associated with a least one of a particle sizing application, a thin film application, a fluorescence application, a multi photon application, a biological analysis application, i.e., DNA, a semiconductor application, a machine vision application, and an image processing application (See for example, col. 6, lines 5-36).

With regard to claim 7, the system of claim 1, the application program performs at least one of a comparative analysis, an correlative analysis, a cause and effect analysis, a learning system analysis, and a parametric analysis to identify an object (See for example, col. 5, lines 1-8).

With regard to claim 10, the system of claim 1, further comprising a display to present the image to a user, the display including at least one of a computer monitor, a CRT, an LCD

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display, a TV, an organic light emitting device display (OLED), a semi-conductor image display device, a head-mount display, a flexible display, a monocular display, a binocular display, a projection display, a retinal display, and a Head-Up display (Item 11, in Figure 1 which is a monitor associated with a computer).

With regard to claim 13, A digital image, comprising: at least one image pixel (See for example, item 5, in Fig. 1); and a storage medium to capture the image pixel (See for example, items 3, 16, in Figs. 1 and 2), the pixel generated from a sensor having one or more receptors, the one or more receptors associated with a pitch parameter, the one or more receptors energized from an image transfer medium having a diffraction-limited parameter correlated to the pitch parameter (col. 6, lines 26-51; and col. 2, lines 38-45).

With regard to claim 14, a machine vision system (See for example, Fig. 1), comprising: an imaging system for collecting image data from a product or process (See Figs. 1 & 2), comprising: a sensor having one or more receptors to generate image data (col. 5, lines 56-65); and at least one image transfer device associated with the one or more receptors of the sensor (See for example, item 3, in Fig. 1), the at least one image transfer device provides a mapping of receptor size to about a size of a diffraction limited parameter associate with the at least one image transfer device; and a controller that receives the image data and employs the image data in connection with fabrication or control of the product or process (See for example, col. 5, line 56 – col. 6, line 65).

With regard to claim 15, the machine vision system of claim 14, being employed in a semiconductor-based processing system (See item 20, in Fig. 2).

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With regard to claim 16, the machine vision system of claim 14, a fiber optic media for processing the image (which reads on item 16, in Fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenfeld, et al (6,784,982) in view of Schaeffer, et al (6,731,952).

With regard to claim 8, Blumenfeld discloses all of the claimed subject matter as already set forth above in paragraph 4, and is incorporated herein by reference. Blumenfeld does not expressly call for at least one of the sensor, the image transfer medium, the image, and the application program installed on a mobile device. However, Schaeffer, et al (See for example, Figs. 1-2) teaches this feature. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching as taught by Schaeffer, et al into the system of Blumenfeld so as to install at least the sensor on a mobile device so as to easily transport the device from one place to the other.

With regard to claim 9, the system of claim 1, the mobile device is at least one of a handheld device, a notebook computer, a laptop, and a personal digital assistant (See for example, Fig. 1 of Schaeffer, et al).

With regard to claim 11, the system of claim 1, the image is transferred across a network for analysis by at least one of a user and a computer (See for example, item 8, in Fig. 2).

With regard to claim 12, the system of claim 11, the network is at least one of a local area network, an Internet, an Intranet, and a wireless network (See for example, Fig. 1 of Schaeffer, et al).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DANIEL G MARIAM
Primary Examiner
Art Unit 2624

October 16, 2006